APPENDIX

APPENDIX A

IDENTITY OF INDIVIDUAL *AMICI*

The Newsletter Publishers Association ("NPA") represents the interests of publishers of more than 2,300 independent newsletters and specialized information services. Collectively, members of the NPA publish news and information about virtually every industry and subject of public concern in this nation. In addition to news reporting, the publications of NPA's members frequently feature commercially useful compilations of information of interest to their subscribers.

Cutter Information Corp. ("Cutter") publishes 18 newsletters in the fields of software engineering, energy, and the environment. Its titles include *Data Management Strategies*, the *Oil Spill Intelligence Report*, and the *Global Environmental Change Report*, each of which frequently includes compilations of information useful to its subscribers in these diverse fields. *Data Management Strategies*, for example, regularly provides its subscribers with published compilations of data concerning new product introductions in the rapidly expanding and changing software industry. In the environmental field, Cutter maintains a comprehensive database of information concerning oil spills around the world, which is often consulted by companies for the purpose of assessing the potential environmental risk of contemplated ventures. *Oil Spill Intelligence Report*, a weekly newsletter, frequently provides its subscribers with specialized compilations drawn from the database as well as an annual compiled summary of such information. Each of these compilations reflects the efforts and expertise of Cutter's staff in selecting the categories of data to include in its databases and published compilations.

Inside Mortgage Finance Publications, Inc. ("IMF") is among the leading publishers of mortgage information

in the United States. Its eight publications include a weekly newsletter, *Inside Mortgage Finance*, which contains news reports and compilations of data about mortgage markets; *The Mortgage Market Statistical Annual*, which compiles a variety of statistical information about the mortgage industry; and *The Mortgage Industry 5000*, a directory of mortgage lending institutions. Among other compilations, *Inside Mortgage Finance* annually publishes a compilation of statistical information describing the "Top 100 Mortgage Originators," categorized by total loan originations, average loan size, average borrower income, and loan approval rate, as well as a quarterly compilation of the "Top 30" originators. The selection of such categories by IMF's staff reflects its considered judgment, following in-depth investigation of the mortgage market at considerable expense, with respect to the compiled information's utility to the newsletter's subscribers.

Insurance Communications publishes the monthly newsletter, *Risk Retention Reporter*, and an annual directory, *Risk Retention Group Directory & Guide*, which serve both insureds seeking liability insurance coverage and insurance professionals in the commercial liability marketplace. The newsletter provides subscribers with comprehensive information on insurance industry events and trends, legislative, judicial and regulatory developments, and market and regulatory surveys, while the directory contains in-depth profiles of risk retention groups formed under the 1986 Risk Retention Act.

Intelligence Press, Inc. ("IP") is a leading publisher of news and information about the natural gas industry. It publishes three newsletters, *Natural Gas Intelligence*, *Gas Price Index*, and *NGI's Daily Gas Price Index*, which contain, *inter alia*, compilations of information concerning natural gas prices at locations throughout the United States and Canada. IP's price compilations are the product of its intensive efforts to survey the industry and to

bring its editorial judgment to bear on the selection and arrangement of the data compiled in its newsletters. Indeed, the natural gas industry places a premium on the accurate and effective compilation of such information, which is used by many companies to set prices in supply contracts.

Pasha Publications, Inc. ("Pasha") publishes 27 newsletters and databases covering the natural gas, coal, electric power, mining, defense, and space industries, among others. It publishes two daily newsletters, *Gas Daily* and *Megawatt Daily*, each of which provides daily compilations of pricing information to its subscribers in those industries. *Gas Daily*'s compilation, for example, reports ranges of natural gas prices for the preceding day as well as the median price at a series of different price points across the country. At considerable effort and expense, Pasha's editorial staff is responsible for selecting the categories of information to be compiled, the sources from which it is selected, and the format in which it is presented in the newsletter.

Phillips Publishing International, Inc. ("Phillips") is one of the largest periodical publishers in the United States with over 1.5 million subscribers. The company publishes more than 100 newsletters, magazines, directories, a national weekly newspaper, and nonfiction books. Its publications, including 18 directories and directory-related products, provide a host of industries with easy access to important market data. Phillips' other publications feature factual compilations as well, each of which reflects its expertise and the expenditure of substantial resources in identifying, selecting, and arranging commercially useful information for the benefit of its subscribers in, *inter alia*, the fields of healthcare, investing, aviation, defense, and telecommunications. To offer just one example, Phillips provides the wireless telecommunications industry with factual compilations of such important market data as spectrum licensing information, the manufacturers and distributors of related hardware and soft-

ware, and statistical information from which a subscriber may gauge the competitive state of a given telecommunications market.

Random Lengths Publications, Inc. ("RLP") is a family owned and operated publishing company located in Eugene, Oregon. It is among the leading publishers of information about the North American forest products industry, with subscribers in all 50 states, all 12 Canadian provinces, and 30 other countries. In addition to the company's weekly newsletter, *Random Lengths*, it disseminates five other publications including the *Big Book*, a directory of the forest products industry, and *Yardstick*, a monthly report of forest product statistics. All of these publications feature compilations of commercially useful data about the forest products industry, selected and arranged for publication in a manner designed to be useful to subscribers. RLP's staff of editors devotes enormous energy, resources, and professional judgment to the cause of determining the most effective method of compiling the information reflected in its publications.

Reed Elsevier, Inc.'s more than 12,000 employees compile, verify and maintain large amounts of legal, financial, and scientific data for both the business and academic communities. One of its compilations, the *Martindale-Hubbell Law Directory*, provides an authoritative listing of law firms and lawyers, containing information about location, lawyers and practice concentration. The timely collection and verification of this compilation's contents require teams of researchers who regularly correspond with law firms, corporate legal departments, and government agencies throughout the United States. The compilation of this mass of information is the full-time occupation of more than 200 employees, totaling more than $25 million in payroll and data collection costs.

Thomas Publishing Co. has been a publisher of industry information products for nearly a century. Its 400 employees publish 24 major buying guides, 29 product news magazines, two product information exchange services, a magazine on factory automation, three software

comparison guides, and a publication to help buyers select the most cost-efficient transportation modes for their inbound freight. Its *Register of American Manufacturers* compiles purchasing information about 155,000 companies, classified under more than 57,000 product and service headings.

The Thomson Corporation generates over $8 billion in revenues annually and employs roughly 27,000 American workers. Thomson's U.S. operations include newspapers, specialized information products, and services concentrated in the areas of education, library reference, science, technology, medicine, healthcare, finance and law. Its *Physicians Desk Reference* has been in the forefront of the medical information field for more than 48 years. This compilation includes newly released data about current medicines, as well as information on American prescription medicines covering usage, warnings, and product overviews, plus full-size color photographs cross-referenced by page number to the entry's description.

United Communications Group ("UCG") is one of the largest newsletter publishers in the United States, featuring more than 70 titles in fields as diverse as the automotive industry, banking, federal procurement, telecommunications, the postal service, international finance, and healthcare. It publishes *Oil Price Information Service*, which provides readers with news, market analysis, and compilations of market and spot price levels for petroleum. The latter is compiled and reported to subscribers in categories selected by the newsletter's editorial staff, such as by product (e.g., diesel, propane or jet fuel), by region, by terminal location, and by "key" supplier. In addition, UCG creates information databases such as *Q-Tel*, which compiles pricing, rate and tariff information for subscribers in the telecommunications industry. The *Q-Tel* family of databases allows users to access information concerning telephone rates in a number of price-related categories selected by UCG, including time of call, distance, and day of the week.